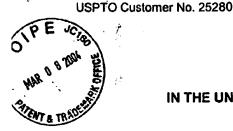
H173469

Case# 5308

3643



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Wulforst et al.

Serial Number:

09/940,744

Filed:

August 28, 2001

For:

**Animal Bed** 

**Group Art Unit:** 

3463

Examiner:

Joan M. Olszewski

**Commissioner for Patents** 

PO Box 1450

Alexandria, Virginia 22313-1450

#### Certificate of Express Mailing Under 37 CFR § 1.10

I hereby certify that this correspondence, and all correspondence referenced herein is being is being deposited with the United States Postal Service as "Express Mail" Identification number listed below in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" with sufficient postage on the following listed below:

Date: March 9, 2004

Express Mail Label No.: EL992173786US

Signature: \_\_\_\_\_\_ Keblman

### **BRIEF ON APPEAL UNDER 37 CFR 1.192**

Sir:

The following Appeal Brief is submitted pursuant to the Notice of Appeal filed on or about January 9, 2004 from the Final Office Action dated October 14, 2003.

# I. REAL PARTY IN INTEREST

The above-referenced application is the subject of an assignment to Milliken & Company, located at 920 Milliken Road, Spartanburg, South Carolina, which is the real party in interest.

# IX. CONCLUSION

For the reasons set forth above, Appellant respectfully urges that the obviousness rejections of Claims 1-14 are improper. Reversal of these obviousness rejections, as presented in this Appeal, is hereby requested.

A copy of pending Claims 1-14 is attached as an Appendix hereto.

The Commissioner is hereby authorized to charge the Appeal Brief fee of \$330.00 to Deposit Account No. 04-0500. The Commissioner is also authorized to charge any additional fees that may be required, or credit any over-payment, to Deposit Account No. 04-0500. This Appeal Brief is being submitted in triplicate.

March 9, 2004

Milliken & Company Legal Department, M-495 920 Milliken Road Spartanburg, SC 29303 Respectfully submitted,

Brenda D. Wentz
Agent for Appellant
Registration No. 48,643